

COURTS

Ex-teacher named in sex suit

Woman alleges
abuse by former
Kearney brother

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In a \$7 million lawsuit, a Rochester woman has accused a Catholic brother of 28 years of sexual abuse that began in a boathouse when she was a child and was so severe that it robbed her of the ability to conceive children.

Brother John Laurence Heathwood, of the Congregation of Christian Brothers of Ireland, was named as defendant, as well Bishop Kearney High School in Irondequoit and the Roman Catholic Diocese of Rochester.

Heathwood taught math at Bishop Kearney from 1964 to 1974. He was also head of the drama program and summer theater program during those years.

Nancy Maher, who is now 40, filed the lawsuit jointly with her husband, Martin. She was a Bishop Kearney student from 1966 to 1970 and was active in the drama program. Her parents were "very good friends" with Heathwood from the time he came to Rochester in 1964, according to the lawsuit.

Through therapy that began last fall, Maher is in the process of trying to remember dates and details of much of the abuse, the lawsuit states. No criminal charges have been filed.

The suit, however, cited some specific allegations, including rape and deviant sexual acts that included photographing her injuries.

Maher's lawyer, Richard Kaul, said the first sexual assault allegedly occurred when she was 12. The abuse continued throughout her high school years — sometimes

backstage in Bishop Kearney's auditorium — and on into adulthood, Kaul said.

She suffered severe physical injuries, including cervical scarring that resulted in her inability to conceive children, according to the suit.

Heathwood is also accused of making "lewd comments" and using threats and coercion "meant to humiliate plaintiff and prey upon



Heathwood

plaintiff's fear and feelings of degradation and helplessness," the suit states.

Maher suffers from numerous psychological conditions such as chronic post-traumatic stress disorder, dissociative disorder, nightmares, panic attacks and eating and sleep disorders, court documents state. Maher could not be reached for comment.

Former colleagues and students of Heathwood were stunned.

"I'm very shocked. He was a model brother," said Frank Sementino, a math teacher at Bishop Kearney from 1966 to 1979.

Sementino described Heathwood as that rare teacher who inspired his students. He said Heathwood was well-liked and involved with students and their families.

"He had the ability to really motivate his students," said Sementino, who now teaches at Aquinas Institute. "He was really a multi-talented person."

Mary Lou Zobel, a student who performed in the musicals Heathwood directed at Bishop Kearney, said: "I could not think of Brother Heathwood as someone involved in sexual abuse. He was such a nice person. Everybody really loved

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Brother Heathwood."

After leaving Rochester, Heathwood remained in contact with Maher until recently, sometimes returning to the area five times a year for Bishop Kearney social functions and other commitments for the diocese, the suit states.

Heathwood was reportedly on vacation and could not be reached for comment.

John J. Duffy, the New York City lawyer representing the Congregation of Christian Brothers, did not return repeated telephone calls. Brother James Moffett, who heads the regional province of the order, also could not be reached yesterday.

The congregation is an order of Catholic laymen headquartered in Rome.

Brothers are not ordained but are bound by vows to lead exemplary lives working for the church. They live in religious communities and are also dedicated to helping the poor.

Bishop Kearney is a parochial school within the Catholic Diocese, operated by Christian brothers. Officials at Bishop Kearney were not available.

Removed from post

In 1974, Heathwood moved to Westchester County and Iona College, where he joined the math department and helped with drama productions there. He taught general math and calculus, mostly to first-year students.

After another decade teaching at Iona, Heathwood moved in 1985 to Bishop Hendricken High School, in Warwick, R.I. He taught math there until June, when he was removed just before his retirement — although the brothers there disputed the reason. Heathwood reportedly learned of Maher's allegations at least two months ago.

In May, Kaul said, he and Maher met with Duffy and officials from the Christian Brothers in Westchester County, to try to reach a settlement and avoid legal action.

Kaul said the brothers were "sympathetic and supportive," during a tearful meeting, and agreed to immediately remove Heathwood from his teaching post in Rhode Island.

Kaul said he was told that Heathwood would be referred for counseling.

He and Maher also submitted a proposed settlement to the Christian Brothers that assured Maher of receiving an undisclosed amount of cash for pain and suffering, as well as funds for long-term therapy.

But Kaul said the proposal was "rejected, out of hand."

"They offered to pay a few thousand for counseling," he said.

Kaul, therefore, filed the civil lawsuit in state Supreme Court on July 3, seeking \$6 million in damages for 16 "causes of action" ranging from "lewd and lascivious conduct" by Heathwood to "negligence and breach of trust" by Heathwood and the other Catholic authorities.

Martin Maher is seeking \$1 million in damages for loss of intimate companionship with his wife.

Officials at the Westchester County District Attorney's office and the Rhode Island Attorney General's office said they had no record of any criminal convictions involving Heathwood when he lived in those communities.

The suit alleges the abuse occurred as recently as July of 1992, when Heathwood visited Maher in Rochester and "mashed his body against hers, pressed his knees into her genitals and grabbed her breasts."

After the visit, Kaul said, he notified Monroe County District Attorney Howard R. Relin and discussed the possibility of pursuing a misdemeanor sexual assault charge against Heathwood.

Maher, however, did not want to bring a criminal complaint, Kaul said.

"My client was very, very concerned there would be some decent way to settle this case," Kaul said. "The criminal investigation, she felt, was an inappropriate way to go at that point."

Relin said his office is making an inquiry about the allegations. He said he had not started an investigation because no police report was filed.

Capt. Neil Flood, head of the criminal investigation division of the Monroe County sheriff's office, also said his agency had no pertinent information about Heathwood.

According to New York law, the statute of limitations for misdemeanors is two years, and the limitation is five years for nearly all felonies, including first-degree rape.

The lawsuit also accuses diocesan officials and Christian Brothers of "failure in their duty to address problems of sexual abuse by clergy."

Diocese questions link

In a statement, the Catholic Diocese of Rochester said it would seek to be removed from the lawsuit because the Bishop Kearney is not under its control, but is run by the Christian Brothers.

The diocese, however, does monitor the religious teachings.

"We are certain that the Irish Christian Brothers will do all in their power to deal in a responsible way with the matter currently under investigation," the diocesan statement said.

Kaul, however, maintains the di-

ocese is obligated to insure that Catholics receive an education free of sexual assaults.

"The Catholic church has not dealt with this issue at all, until just recently," he said.

Indeed, in recent months the Catholic church has been besieged by sex scandals, as men and women across the country have increasingly made public charges of abuse, mostly by priests. Last month, the National Conference of Catholic Bishops announced plans to create a nationwide policy of preventing sex abuse of minors.

And on July 18, Bishop Matthew H. Clark of Rochester told parishioners in a church bulletin that he was revising the church's policy on how to deal with perpetrators and victims of sex crimes.

In Maher's case, she was not aware of "the wrong that had been done to her" for years, court documents state.

"She wasn't able to face it, to handle it," Kaul said.

Maher "suffered a psychological condition whereby she repressed, denied, blocked and dissociated herself from the acts being committed on her to avoid the severe physical and emotional pain and trauma," the suit states.

Kaul said it was not until his client began receiving therapy that she was able to deal with the consequences of the abuse.

For years, Maher's family was active in the local diocese, contributing financially and participating in church functions.

In addition to Maher, two sisters and a brother also attended Bishop Kearney, the suit states.

History of brotherhood

And Heathwood's life, according to those who know him, has revolved around the Congregation of Christian Brothers of Ireland since the early 1940s, when he was a teenager and he attended St. Joseph's High School, in Ulster County.

"He was a pretty smart kid then," said Brother Pat Rowland, who was a year behind Heathwood at St. Joseph's and now lives at the Christian Brothers residence in Hawaii.

"And now, inside the Brothers he's got a real good reputation. Hard-working. Likable."

An accomplished woodworker, Heathwood built the stage sets for student productions.

Once, he also built a cradle for a former student.

"He's a gentleman. Very low-key and dedicated," said James E. Carpenter, the chairman of Iona's math department.

"It's not his nature to abuse anyone." □

Includes reporting by Steve Orr.